

S.B. Cr. Bail Application No. 5367/2007
(Suresh Vs. State of Rajasthan)

Date of order : 20.11.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. A.K.Dadhich for the petitioner.

Mr. Ashok Upadhyay, P.P.

Mr. H.M.Saraswat for the complainant.

Heard learned counsel for the petitioner and public prosecutor for the State as also the counsel appearing for the complainant. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that the petitioner has not been named in the FIR.

Learned public prosecutor opposed the bail application and contended that the complainant public servant was discharging the official duty as a fault was reported and the complainant public servant was to rectify the fault as he is mechanic and when he went to remove the fault, the present petitioner and other co-accused started assaulting him. They were found fully intoxicated and entered in the power room and started giving filthy abuses and thereafter caused injuries. Injured public servant Puranprakash has suffered as many as ten injuries and one of the injury is grievous in nature. According to the public prosecutor, prima-facie the offences alleged against the petitioner are made out.

On careful perusal of the statements of witnesses, in my view, the petitioner is also one of the assailants as has been named by the witnesses and therefore, in such matters,

custodial interrogation is necessary. In this view of the matter, no case for anticipatory bail is made out. The bail application filed by the petitioner under Section 438 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

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